

**DECLARATION UNDER 35 U.S.C. § 371 AND
POWER OF ATTORNEY FOR PATENT APPLICATION**

ENGLISH LANGUAGE DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the invention that is described and claimed, and for which a United States patent is now sought, in the International Application No. PCT/US2004/019847, which has International Filing Date June 23, 2004, which is entitled:

Fungicidal Composition for Through Periderm Bark Application to Woody Plants

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, and any amendments that may have been made under Article 19 [34] of the Patent Cooperation Treaty.

I acknowledge the duty to disclose information that is material to the examination of this application in accordance with 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) or (f), or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application that designated at least one country other than the United States of America, listed below; and I have also identified below any foreign application for patent or inventor's certificate, or any PCT international application, having a filing date before that of the application on which priority is claimed.

Priority Claimed

| | | | | |
|-------------------|---------|---------------|-----|----|
| PCT/US2004/019847 | PCT | June 23, 2004 | X | |
| Number | Country | Date Filed | Yes | No |

English Language Declaration

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, or § 119(e) of any provisional application filed under 35 U.S.C. § 111(b), listed below. And, insofar as the subject matter of each of the claims of this application is not disclosed in the listed United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(b) that became available between the filing date of the prior application and the national or PCT international filing date of this application. 37 C.F.R. § 1.56(e).

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|--------------------------|----------------------|----------------|
| 60/482,224 | June 23, 2003 | Abandoned |
| 60/493,622 | August 8, 2003 | Abandoned |
| <u>PCT/US2004/019847</u> | <u>June 23, 2004</u> | <u>Pending</u> |
| Application Ser. No. | Filing Date | Status |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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English Language Declaration

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